

## REMARKS:

### Status of claims and amendments

Claims 1-8 are pending in the application. In the Office Action dated February 23, 2006, the Examiner rejected claim 6 under 35 U.S.C. 112, second paragraph, as being indefinite, rejected claims 1-4 and 6-8 under 35 U.S.C. 102(b) as being anticipated by Shimada et al., and rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Shimada et al. in view of Bartholomew.

In this amendment, claim 1 was amended to include the subject matter of original claims 3-6, and to overcome the 112 rejection of previously presented claim 6. Claims 3-8 were canceled. No new matter was added.

### The 35 U.S.C. 112 rejection

Claim 1 has been amended herein for clarity.

### The 35 U.S.C. 102(b) and 103(a) rejections

The Examiner referred to Shimada's mounting member 9 as allegedly corresponding to the inventive cover bracket, hooked portion 9a as allegedly corresponding to the inventive muffler side connecting pins, and flange 2 as allegedly corresponding to the inventive vertical flange surface. However, Shimada's flanges 2 are disposed on sections of exhaust pipe and on a heat generating member, not on mounting member 9; see column 1 lines 62-64, and hooked portion 9a is disposed on mounting member 9, not on flanges 2, see FIG. 3. In addition, Shimada is concerned with minimizing conduction of heat between mounting member 9 and flanges 2, and they are separated by thermal interception plate 6 and thermal insulating gaskets 12, see column 2 lines 22-25 and 43-49. Shimada et al. therefore does not disclose or suggest "said cover bracket is coupled around a connecting part of an exhaust pipe and said muffler" of original claim 3 and amended claim 1; nor does it disclose or suggest "said cover bracket is formed with a vertical flange surface...and said muffler side connecting pins are fixed to the vertical flange surface," of original claim 4 and amended claim 1. For at least this reason, amended claim 1 is patentable over Shimada and Bartholomew.

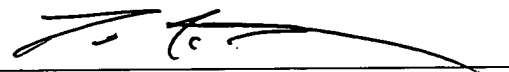
### Conclusions

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is

respectfully requested.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0103).

Respectfully submitted,



Jessica C. Stahnke (Reg. No. 57,570)

for

Thomas D. Kohler (Reg. No. 32,797)

MORGAN, LEWIS & BOCKIUS LLP

One Market, Spear Street Tower

San Francisco, CA 94105

415.442.1000

May 23, 2006

Date